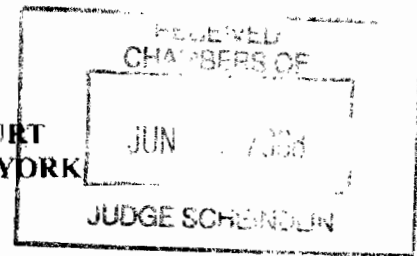
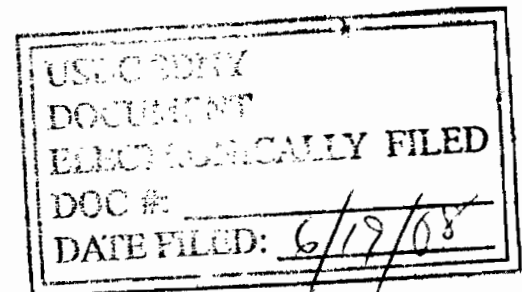


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



-----x  
Evgeny A. Freidman, Vladimir Basin,  
Mamed Dzhaniev, Victory Taxi Garage  
Inc., Tunnel Taxi Management, LLC,  
Downtown Taxi Management, LLC, Bazar  
Taxi Inc, Patron Taxi LLC, Grappa Taxi  
LLC, Cognac Taxi LLC, Calvados Taxi  
LLC, Tequila Taxi LLC, Jack Daniels  
Taxi LLC, Murzik Taxi Inc., Malinka  
Taxi Inc., Yagodka Taxi Inc., Persik Taxi  
Inc., Bratishka Taxi Inc., Pumo Taxi Inc.,  
Piguet Taxi Inc., Kormilitsa Taxi Inc.,  
Prada Taxi, Inc., Student Taxi, Inc., Hublot  
Taxi Inc., Torpedo Taxi Inc., Black Label  
Taxi LLC, Praga Taxi Inc., Two Hump Taxi  
LLC, Kroshka Taxi Inc., Lacoste Taxi Inc.,  
Sangria Taxi LLC, Volba Taxi Inc.,

Civil Action No. 1:08-CV-02458 (SAS)



Plaintiffs,

v.

General Motors Corp., ElDorado  
National, Inc., and Arcola Sales &  
Service Corp.,

Defendants.  
-----x

**STIPULATION AND PROPOSED ORDER**

WHEREAS, Plaintiffs filed a complaint in the above-captioned action on March 11, 2008 (the "Complaint"); and

WHEREAS, Defendant Arcola Sales & Service Corp. ("Arcola") filed its answer and cross claimed against Defendants General Motors Corporation ("General Motors") and ElDorado National, Inc. ("ElDorado") on April 30, 2008 (the "Answer and Cross Claim"); and

WHEREAS, Defendants General Motors and EIDorado each filed motions to dismiss the Complaint for failure to state a claim on April 30, 2008 and May 21, 2008 (together, the "Motions to Dismiss"); respectively; and

WHEREAS, Plaintiffs filed their First Amended Complaint on June 9, 2008 (the "Amended Complaint"); and

WHEREAS, the parties intend to attempt to resolve this dispute through mediation, and desire to establish a briefing schedule that affords adequate time to achieve such resolution;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel for the respective parties, as follows:

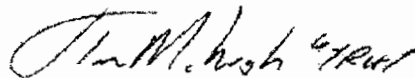
1. The Motions to Dismiss are hereby withdrawn without prejudice;
2. Defendants consent to Plaintiffs' amendment of their pleading and, therefore, Plaintiffs' First Amended Complaint is the operative complaint in this action (and Arcola's Cross-Claim will apply to the First Amended Complaint);
3. Defendants shall submit answers to, or opening briefs in support of any motions to dismiss, Plaintiff's Amended Complaint, which briefs shall be coordinated to the extent possible, on or before August 30, 2008;
4. Answering briefs to all motions referenced in paragraph 3 shall be filed on or before September 30, 2008, which briefs shall be coordinated to the extent possible;
5. Reply briefs in further support of the motions referenced in paragraph 3 shall be filed on or before October 30, 2008, with the parties coordinating such briefs to the extent possible;
6. EIDorado shall submit its answer to, or an opening brief in support of any motion to dismiss, Arcola's Cross Claim, on or before August 30, 2008, and the dates for Arcola's

answering brief and Eldorado's reply brief, if any, shall coincide with the dates set forth in paragraphs 4 and 5, respectively.

Dated: June 18, 2008



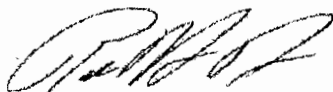
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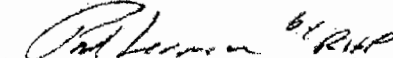
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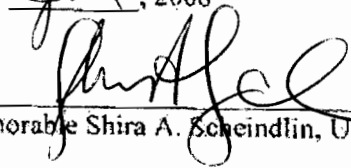


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Of Counsel:

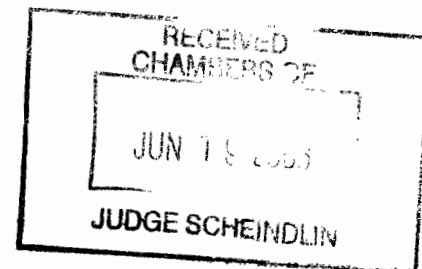
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IT IS SO ORDERED, this 19 day of June, 2008

  
\_\_\_\_\_  
Honorable Shira A. Scheindlin, U.S.D.J.

**AKIN GUMP  
STRAUSS HAUER & FELD LLP**

Attorneys at Law



Robert H. Pees  
(212) 872-1072  
rpees@akingump.com

June 19, 2008

**BY HAND AND FACSIMILE DELIVERY**

Honorable Shira A. Scheindlin, U.S.D.J.  
United States District Court  
Southern District of New York  
United States Court House  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: Evgeny A. Freidman et al. v. General Motors Corp., et al., No. 08 Civ. 02458 (SAS)

Dear Judge Scheindlin:

We are counsel to Eldorado National, Inc. ("Eldorado") in the above-captioned action, and write on behalf of all parties to address the procedural posture of this case in light of (i) the pending motions to dismiss by Eldorado and General Motors, Corp. ("GM"), (ii) Plaintiffs' filing of an Amended Complaint, and (iii) the parties' desire to attempt to resolve this dispute through mediation.

Briefly, after informing the Court by letter dated June 6, 2008, that the parties had agreed to mediation, Plaintiffs filed their Memorandum of Law in Opposition to Defendants' Pre-Answer Motion to Dismiss Plaintiffs' Verified Complaint, and also filed an Amended Complaint. However, because Defendant Arcola Sales & Service Corp. ("Arcola") already had answered Plaintiffs' Complaint, Defendants believe that Plaintiffs were required to seek leave of Court (or the Defendants' consent) in order to amend their pleading. See Fed. R. Civ. P. 15.

Defendants, nonetheless, are willing to consent to Plaintiffs' amendment of their pleading. With the Court's approval, GM and Eldorado will withdraw their respective pending motions to dismiss, and the parties will agree to new dates for Defendants to answer or otherwise respond to Plaintiffs' Amended Complaint. Further, and again, with the Court's approval, Eldorado's time to answer or otherwise respond to Arcola's Cross Claim shall coincide with the date set for answers to or opening briefs in support of motions dismiss Plaintiffs' Amended Complaint.<sup>1</sup>

<sup>1</sup> A Stipulation and Order Extending Time for Eldorado to answer, move against or otherwise respond to Arcola's Cross-Claim was So Ordered by Your Honor on May 22, 2008. The

AKIN GUMP  
STRAUSS HAUER & FELD LLP  
Attorneys at Law

Honorable Shira A. Scheindlin, U.S.D.J.  
Page 2  
June 19, 2008

Because the parties have agreed to mediate, the parties believe that a briefing schedule that affords sufficient time to attempt to resolve this matter through mediation will avoid needlessly burdening the Court with further motion practice at this juncture.

In light of the above agreement among the parties, the parties respectfully submit for the Court's approval the enclosed Stipulation and Proposed Order setting forth (i) Defendants' consent to Plaintiffs' amendment of their pleading, (ii) GM's and ElDorado's agreement to withdraw their respective motions to dismiss, and (iii) a proposed briefing schedule.

The parties respectfully request that the Court enter the enclosed Stipulation and Order. We are of course available to discuss this matter at the Court's convenience.

Respectfully submitted,



Robert H. Pees

Enclosure

cc: William Fried, Esq.  
Timothy J. McHugh, Esq.  
John J. O'Donnell, Esq.  
Christopher E. Hartmann, Esq.  
Paul H. Levinson, Esq.

---

proposed further extension of ElDorado's time to answer or otherwise respond to Arcola's Cross Claim, therefore, is the second such request for an extension.